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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,200	07/18/2003	Gavriel Lavi	P81103-30D179	4036

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EXAMINER	
MACARTHUR, VICTOR L	

ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/622,200	LAVI ET AL.	
	Examiner	Art Unit	
	Victor MacArthur	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,26-30 and 32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13,26-30 and 32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 March 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or canceled from the claims:

- "first shaft that extends **through the length** [i.e. the entire length] of the lower portion" (lines 3-4 of claims 4 and 13) (emphasis added).

No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The specification should be amended to clearly point out which drawing elements, if any, correspond to the following claim features:

- "first threaded shaft that **extends through the length** of the lower portion" (lines 3-4 of claims 4 and 13) (emphasis added).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-13, 26-30 and 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The specification, drawings and claims as originally filed do not support the addition of the limitation "floor-standing base" (recited throughout the claims). The specification makes no mention of a "floor" nor is a "floor" shown in the drawings, much less any specific standing relationship with a floor. The examiner notes that the applicant's invention is clearly capable of standing on a floor in as much as any solid object is inherently capable of such use. However, the applicant clearly argues (Remarks, p.1.6, l.21 – p.17, l.5) that the limitation is not a mere

intended use but rather a positive recitation of a base that is standing on a floor. Accordingly this limitation constitutes new matter, as a floor was not previously part of the applicant's invention.

Claims 4, 5 and 13 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification and drawings do not describe or show a first shaft that extends **through the length** of the lower portion as recited in claims 4 and 13 (emphasis added). Accordingly, for purposes of examining the instant application, claims 4, 5 and 13 have been rejected in light of the specification and drawings, as best understood by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-13, 26-30 and 32 are rejected under 35 U.S.C. 102(a) as being anticipated by non-patent literature to Lavi Industries Beltrac® dated 08/07/2002.

The claimed invention was described by the assignee in a printed publication (Lavi Industries Beltrac® non-patent literature dated 08/07/2002) in this country before the filing of the present invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 6, 8, 9 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (U.S. Pub.20030110716) in view of Salman (U.S. Patent 6,457,895).

Claim 1. Hansen discloses a crowd control stanchion, comprising: a base (26); an elongated post (20) having a hollow bottom portion (portion of 20 receiving 17) and being selectively perpendicularly (with respect to the central axis of 27) coupled to the base; and an insert (17, 12) selectively coupling the base to the post, the insert including a lower portion (12) having a top surface (surface of 12 contacting 17) and an upper portion (17) having a bottom surface (surface of 17 contacting 12), wherein: the upper portion is disposed within the hollow bottom portion of the post; the lower portion is removably connected to the base; the top and bottom surfaces are inclined at complementary angles so as to mate with one another; and the upper portion is selectively moveable radially outward relative to the lower portion, so as to exert radial pressure on the inside wall of the post. Hansen does not disclose that the base is floor standing (though it is clearly capable of such arrangement). Salman teaches (figs.1 and 2) that crowd control stanchions (fence posts, col.1, l.8) with upper (34) and lower (40) portions with inclined surfaces can have bases (70) that are floor (12) standing. One of ordinary skill in the art would easily recognize that floor standing bases are often preferable over wall mounted bases since the floor mounted bases do not require the construction of a free standing wall for

mounting and are thus less costly, more easily repositionable for use in temporary environments (e.g. outside of restaurants, amusement parks, concession stands, etc.) where construction of permanent free standing walls are prohibitive. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Hansen base to be floor standing since floor standing bases are clearly less costly and more easily repositionable than wall mounting bases in that they do not require the construction of a wall.

Claim 2. Hansen discloses that the base has a generally arcuate shape and defines a first axial opening (portion of 26 receiving 12) through an upper surface thereof, the axial opening being configured to receive the lower portion of the insert.

Claim 6. Hansen discloses that the insert is generally cylindrical and the post is generally elongated and cylindrical.

Claim 8. Hansen discloses (figs.1-4) a crowd control device, comprising: a base (26) defining a first axial opening (28 and portion of 26 receiving 12) on a top surface of the base that extends therethrough; an elongated, generally cylindrical post (20) having a hollow bottom portion (portion of 20 receiving 17), the post being coupled (via 12) to the base; a bolting mechanism (14); and a generally cylindrical insert (17, 12) selectively coupling the base to the post, the insert including a lower portion (12) and an upper portion (17), wherein: the upper portion is disposed within the hollow bottom portion of the post; the lower portion is removably connected to the base and at least partially disposed within the first axial opening of the base, the lower and upper portions defining a second axial opening (portions of 12 and 17 receiving 14) configured to engage with the bolting mechanism and extending through both the lower portion and at least partially through the upper portion of the insert; and the lower portion and upper

portion are movable with respect to one another such that, when the bolting mechanism and the second axial opening are fully engaged, the upper portion is radially offset from the lower portion, thereby exerting radial pressure upon an inside wall of the post. Hansen does not disclose that the base is floor standing (though it is clearly capable of such arrangement). Salman teaches (figs.1 and 2) that crowd control stanchions (fence posts, col.1, l.8) with upper (34) and lower (40) portions with inclined surfaces can have bases (70) that are floor (12) standing. One of ordinary skill in the art would easily recognize that floor standing bases are often preferable over wall mounted bases since the floor mounted bases do not require the construction of a free standing wall for mounting and are thus less costly, more easily repositionable for use in temporary environments (e.g. outside of restaurants, amusement parks, concession stands, etc.) where construction of permanent free standing walls are prohibitive. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Hansen base to be floor standing since floor standing bases are clearly less costly and more easily repositionable than wall mounting bases in that they do not require the construction of a wall.

Claim 9. Hansen discloses that the lower portion has a top surface (surface of 12 contacting 17) and the upper portion has a bottom surface (surface of 17 contacting 12), the top and bottom surfaces being inclined at complementary angles so as to mate with one another.

Claim 26. Hansen discloses (figs.1-4) a crowd control stanchion, comprising: a base (26); an elongated post (20) having a hollow bottom portion (portion of 20 receiving 17) and being selectively coupled to the base; and an insert (17, 12) selectively coupling the base to the post, the insert including a lower portion (12) having a top surface (surface of 12 contacting 17)

and an upper portion (17) having a bottom surface (surface of 17 contacting 12), wherein: the upper portion is disposed within the hollow bottom portion of the post; the lower portion is removably (via removal of nails, p.3, para.35) connected to the base; the top and bottom surfaces are inclined at complementary angles so as to mate with one another; and the upper portion is selectively moveable radially outward relative to the lower portion, so as to exert radial pressure on the inside wall of the post. Hansen does not disclose that the base is floor standing (though it is clearly capable of such arrangement). Salman teaches (figs.1 and 2) that crowd control stanchions (fence posts, col.1, l.8) with upper (34) and lower (40) portions with inclined surfaces can have bases (70) that are floor (12) standing. One of ordinary skill in the art would easily recognize that floor standing bases are often preferable over wall mounted bases since the floor mounted bases do not require the construction of a free standing wall for mounting and are thus less costly, more easily repositionable for use in temporary environments (e.g. outside of restaurants, amusement parks, concession stands, etc.) where construction of permanent free standing walls are prohibitive. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Hansen base to be floor standing since floor standing bases are clearly less costly and more easily repositionable than wall mounting bases in that they do not require the construction of a wall.

Claim 27. Hansen discloses that the base is flat (on bottom surface of 26).

Claim 28. Hansen discloses that the base is sloped (sloped portions of the sides of 26).

Claim 29. Hansen discloses that the base is generally arcuate (about the circumference of 26).

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (U.S. Pub.20030110716) in view of Salman (U.S. 6,457,895), as applied to claim 2 above, and further in view of Boone (U.S. Patent 3,902,818).

Claims 3. Hansen does not disclose that the lower portion is threaded. Boone teaches (fig.9) a lower portion (80) that is partially threaded wherein a first axial opening (portion of 20A receiving 80) of a base (20A) has a threaded wall (wall of 20A receiving 80) configured to mate with the threaded lower portion of the insert. The threads increase the forces necessary to remove the lower portion from the base thus strengthening the lower portion/base connection. Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Hansen lower portion to be threaded, as taught by Boone, for the purpose of strengthening the lower portion/base connection.

Claim 4. Hansen discloses a bolting mechanism (14) wherein: the bolting mechanism selectively engages the upper and lower portions such that when fully engaged, the upper portion is radially offset with respect to the lower portion.

Claim 5. Hansen discloses that the first axial opening extends downwardly partially through the base; and an underside of the base defines a second axial opening (28) therethrough, the second axial opening being smaller in diameter than the first axial opening, extending upwardly so as to bin in communication with the first axial opening, and configured to accept (in that it is a hole capable of accepting a bolt) the bolting mechanism.

Claims 1, 7, 8, 11-13, 26, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oster (U.S. Patent 4,844,420) in view of Hansen (U.S. Pub.20030110716) and Salman (U.S. 6,457,895).

Claim 1. Oster discloses (fig.1) a crowd control stanchion comprising: an elongated post (22) with a hollow bottom portion (bottom portion of 22). Oster does not state how the post is supported. Hansen teaches (figs.1-4) an elongated post (20) with a hollow bottom portion (portion of 20 receiving 17) supported by a base (26); the elongate post being selectively coupled to the base; and an insert (17, 12) selectively coupling the base to the post, the insert including a lower portion (12) having a top surface (surface of 12 contacting 17) and an upper portion (17) having a bottom surface (surface of 17 contacting 12), wherein: the upper portion is disposed within the hollow bottom portion of the post; the lower portion is removably connected to the base; the top and bottom surfaces are inclined at complementary angles so as to mate with one another; and the upper portion is selectively moveable radially outward relative to the lower portion, so as to exert radial pressure on the inside wall of the post. Hansen states (para.0035) that supporting a post in this manner results in a secure, noise-free assembly. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Oster post to be supported by a base, as taught by Hansen, for the purpose of supporting the post in a secure noise-free manner. Neither Oster nor Hansen disclose that the base is floor standing (though it appears fully capable of being so arranged). In fact the Hansen base is wall mounted. Salman teaches (figs.1 and 2) that crowd control stanchions (fence posts, col.1, l.8) with upper (34) and lower (40) portions with inclined surfaces (similar to Hansen) can have bases (70) that are floor (12) standing. One of ordinary skill in the art would easily

recognize that floor standing bases are often preferable over wall mounted bases since the floor mounted bases do not require the construction of a free standing wall for mounting and are thus less costly and more easily repositionable for use in temporary environments (e.g. outside of restaurants, amusement parks, concession stands, etc.) where construction of permanent free standing walls are prohibitive. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to further modify the base to be floor standing since floor standing bases are clearly less costly and more easily repositionable than wall mounting bases in that they do not require the construction of a wall.

Claim 7. Oster discloses that the post further includes means for dispensing a retractable belt for joining a plurality of stanchions to form a system of joined stanchions.

Claim 8. Oster discloses (fig.1) a crowd control stanchion comprising: an elongated post (22) with a hollow bottom portion (bottom portion of 22). Oster does not state how the post is supported. Hansen discloses (figs.1-4) a crowd control device, comprising: a base (26) defining a first axial opening (28 and portion of 26 receiving 12) on a top surface of the base that extends therethrough; an elongated, generally cylindrical post (20) having a hollow bottom portion (portion of 20 receiving 17), the post being coupled (via 12) to the base; a bolting mechanism (14); and a generally cylindrical insert (17, 12) selectively coupling the base to the post, the insert including a lower portion (12) and an upper portion (17), wherein: the upper portion is disposed within the hollow bottom portion of the post; the lower portion is removably connected to the base and at least partially disposed within the first axial opening of the base, the lower and upper portions defining a second axial opening (portions of 12 and 17 receiving 14) configured to engage with the bolting mechanism and extending through both the lower portion and at least

partially through the upper portion of the insert; and the lower portion and upper portion are movable with respect to one another such that, when the bolting mechanism and the second axial opening are fully engaged, the upper portion is radially offset from the lower portion, thereby exerting radial pressure upon an inside wall of the post. Hansen states (para.0035) that supporting a post in this manner results in a secure, noise-free assembly. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Oster post to be supported by a base, as taught by Hansen, for the purpose of supporting the post in a secure noise-free manner. Neither Oster nor Hansen disclose that the base is floor standing (though it appears fully capable of being so arranged). In fact the Hansen base is wall mounted. Salman teaches (figs.1 and 2) that crowd control stanchions (fence posts, col.1, l.8) with upper (34) and lower (40) portions with inclined surfaces (similar to Hansen) can have bases (70) that are floor (12) standing. One of ordinary skill in the art would easily recognize that floor standing bases are often preferable over wall mounted bases since the floor mounted bases do not require the construction of a free standing wall for mounting and are thus less costly and more easily repositionable for use in temporary environments (e.g. outside of restaurants, amusement parks, concession stands, etc.) where construction of permanent free standing walls are prohibitive. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to further modify the base to be floor standing since floor standing bases are clearly less costly and more easily repositionable than wall mounting bases in that they do not require the construction of a wall.

Claim 11. Oster discloses that the post further includes means for dispensing a retractable belt for joining a plurality of stanchions to form a system of joined stanchions.

Claim 12. See rejection of claim 11 above.

Claim 13. Hansen discloses a bolting mechanism (14) wherein: the bolting mechanism selectively engages the upper and lower portions such that when fully engaged, the upper portion is radially offset with respect to the lower portion.

Claim 26. Oster discloses (fig.1) a crowd control stanchion comprising: an elongated post (22) with a hollow bottom portion (bottom portion of 22). Oster does not state how the post is supported. Hansen teaches (figs.1-4) an elongated post (20) with a hollow bottom portion (portion of 20 receiving 17) supported by a base (26); the elongate post being selectively coupled to the base; and an insert (17, 12) selectively coupling the base to the post, the insert including a lower portion (12) having a top surface (surface of 12 contacting 17) and an upper portion (17) having a bottom surface (surface of 17 contacting 12), wherein: the upper portion is disposed within the hollow bottom portion of the post; the lower portion is permanently (via nails, p.3, para.35) to the base; the top and bottom surfaces are inclined at complementary angles so as to mate with one another; and the upper portion is selectively moveable radially outward relative to the lower portion, so as to exert radial pressure on the inside wall of the post. Hansen states (para.0035) that supporting a post in this manner results in a secure, noise-free assembly. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Oster post to be supported by a base, as taught by Hansen, for the purpose of supporting the post in a secure noise-free manner. Neither Oster nor Hansen disclose that the base is floor standing (though it appears fully capable of being so arranged). In fact the Hansen base is wall mounted. Salman teaches (figs.1 and 2) that crowd control stanchions (fence posts, col.1, l.8) with upper (34) and lower (40) portions with inclined surfaces

(similar to Hansen) can have bases (70) that are floor (12) standing. One of ordinary skill in the art would easily recognize that floor standing bases are often preferable over wall mounted bases since the floor mounted bases do not require the construction of a free standing wall for mounting and are thus less costly and more easily repositionable for use in temporary environments (e.g. outside of restaurants, amusement parks, concession stands, etc.) where construction of permanent free standing walls are prohibitive. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to further modify the base to be floor standing since floor standing bases are clearly less costly and more easily repositionable than wall mounting bases in that they do not require the construction of a wall.

Claim 30. Oster discloses a means (16) for attaching a rope for joining a plurality of stanchions.

Claim 32. Oster discloses that the post further includes means (12) for dispensing a retractable belt for joining a plurality of stanchions to form a system of joined stanchions.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oster (U.S. Patent 4,844,420) in view of Hansen (U.S. Pub.20030110716) and Salman (U.S. 6,457,895), as applied to claim 8 above, and further in view of Boone (U.S. Patent 3,902,818).

Claim 10. Hansen does not teach that the lower portion is threaded. Boone teaches (fig.9) a lower portion (80) that is partially threaded wherein a first axial opening (portion of 20A receiving 80) of a base (20A) has a threaded wall (wall of 20A receiving 80) configured to mate with the threaded lower portion of the insert. The threads increase the forces necessary to remove the lower portion from the base thus strengthening the base/lower portion connection.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Hansen lower portion to be threaded, as taught by Boone, for the purpose of strengthening the base/lower portion connection.

Response to Arguments

Applicant's arguments with respect to the newly added limitation "floor standing" have been considered but are moot in view of the new grounds of rejection.

Applicant's remaining arguments with regard to the claim rejections have been fully considered but they are not persuasive.

The applicant argues that the Hansen grab rail is not a crowd control stanchion. This is not persuasive since the Hansen grab rail is structurally capable of being used as a crowd control stanchion (i.e. a post used to guide the traffic flow of a crowd) and thereby meets the claim limitations within the broadest reasonable interpretation. Furthermore, the Applicant is reminded that where there is physical identity between the subject matter of the claim and the prior art, the label given to the claimed subject matter does not distinguish the invention over the prior art. In re Pearson, 494 F. 2d 1399, 1403, 181 USPQ 641, 644 (CCPA 1974); In re Lemin, 326 F. 2d 437, 140 USPQ 273 (CCPA 1964).

The applicant argues that Hansen does not disclose a post which is perpendicularly mounted to a floor-standing base. This is not persuasive. Hansen discloses an elongated post (20) having a hollow bottom portion (portion of 20 receiving 17) and being selectively perpendicularly (with respect to the central axis of 27) coupled to the base.

The applicant argues that there is no motivation to combine Oster with Hansen. This is not persuasive. Oster discloses a crowd control stanchion but does not show or describe how the stanchion is supported. However, it is clearly apparent that the Oster assembly must be supported in some manner in order to perform as disclosed. Accordingly, one of ordinary skill in the art who sets out to recreate the Oster assembly would be forced to look elsewhere (e.g. Hansen) to find a teaching of support. Further support for combination comes directly from Hansen who states (para.0035) that the Hansen manner of supporting a post results in a secure, noise-free assembly.

The applicant argues that Oster and Oster are not bodily incorporable. This is not persuasive. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

Applicant's amendment (e.g. the newly added limitation "floor standing" in line 2 of claim 1) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

VLM
April 18, 2005

Daniel P Stodola

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600